

**.IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**JACQUELYN PEDIGO, on Behalf of  
Herself and Others Similarly Situated**

**Plaintiff,**

**vs.**

**3003 SOUTH LAMAR, LLP d/b/a  
ALLIGATOR GRILL**

**Defendant.**

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**CIVIL ACTION NO. A:08-cv-803-JRN**

**NOTICE TO CURRENT AND FORMER ALLIGATOR GRILL SERVERS**

**TO: Current and former Waiters/Bartenders of Alligator Grill**

**RE: Unpaid wage lawsuit against Alligator Grill**

**Why am I getting this Notice?**

You are getting this Notice because our records show that you worked for Alligator Grill as a waiter and/or bartender at some time during the period of 10/28/05 to the present.

**What's This All About?**

This case was filed by Jacquelyn Pedigo, a former server at Alligator Grill. Ms. Pedigo claims that Alligator Grill violated the federal wage laws by requiring her and the other waiters/bartenders to contribute a percentage of her total tips at the end of each shift to a "tip pool" which Alligator Grill then distributed to kitchen workers, including the dishwasher, prep cooks, and expeditors. Ms. Pedigo also claims that Alligator Grill charged its employees for uniforms and failed to pay appropriate overtime wages – all in violation of the federal wage laws.

Alligator Grill contends that its tip pool policy is valid under the federal minimum wage laws and that it only includes service employees. Alligator Grill further contends that it has paid Ms. Pedigo all amounts required by law and that it will defend itself against these allegations.

**Why Do I Care About This?**

Ms. Pedigo believes that others may have been subject to the same tip pool, overtime, and uniform policies and, thereby, deprived of the proper minimum and overtime wage. If you are a current or former waiter or bartender at Alligator Grill, and you want to make a claim for unpaid wages in this case based on the above theories or claims, you may file your consent to be made a party plaintiff by returning the form attached hereto in the enclosed self-addressed stamped



envelope to the attorneys representing Ms. Pedigo. You are not required to participate in this case or to sign the attached form. It is entirely your own decision whether to do so.

While you have a choice whether to participate in this case, you must decide now. Unless your Notice of Consent is actually filed with the Court on or before **[60 days from mailing]**, you will not be permitted to join this case. A Notice of Consent is enclosed with a self-addressed stamped envelope. If you choose not to file a Notice of Consent form, you will not be affected by the decision rendered, favorable or unfavorable. If you join this case by filing your consent, you will be bound by the judgment of the Court on all issues of the case, whether favorable or unfavorable to you.

### **What Happens If I Join?**

If you join this case, you may agree to be represented by Ms. Pedigo's attorneys.<sup>1</sup> These attorneys are representing Ms. Pedigo (and other persons who join this lawsuit) on a contingency fee basis. This means that if the attorneys get money or benefits for you, they may get a percentage of your recovery or have their fees and expenses paid separately by Alligator Grill. Either way, you won't have to pay these fees and expenses directly. While this suit is proceeding, you may be required to respond to written questions, sit for depositions and/or testify in court.

If you want to know more about the terms of the contingent fee agreement, you may contact Bob Debes at (713) 623-0900 or 877.TIP.POOL, (toll-free) or Richard Burch at (713) 877-8788. You may discuss with them in detail the nature of this case, including any specific terms of the contingent fee agreement. There is no charge for asking the attorneys questions, and the matters discussed are confidential.

**The FLSA prohibits anyone from discriminating or retaliating against you if you choose to take part in this case. This means you cannot be fired, demoted, or have your pay cut because you participate in this case.**

**The purpose of this notice is to determine which servers, past and present, want to be involved in this case. Although the Court has authorized Ms. Pedigo to send this Notice, there is no assurance that the Court will grant any relief to her or to you in this case.**

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The Waiters/Bartenders attorneys are:

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